

REMARKS

Claims 9-30 are pending in the present application, and Claims 25-30 stand rejected. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 26-27 are rejected under 35 U.S.C. § 112 as being indefinite because there is no step j in Claim 25.

Applicant has amended Claim 25 to correct a typographical error such that step j is included. Therefore, since there is now a step j in Claim 25, Applicant respectfully requests that these claim rejections be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 25-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Pat. No. 5,865,913 to Paulin et al. in view of U.S. Pat. No. 5,447,035 to Workman et al. This rejection is respectfully traversed.

Claim 25 has been amended to include the limitation that the cooling of the brake rotors is accomplished by introducing **gaseous** nitrogen into the cryogenic processing chamber. Neither Paulin et al. nor Workman et al. disclose, teach or suggest the use of gaseous nitrogen to cool the components being treated. As a matter of fact, both Paulin et al. and Workman et al. specifically disclose **liquid nitrogen** and thus there can be no motivation to combine these references to achieve the claimed invention. (See, e.g., Paulin et al. at Col. 3, Lines 26, 27 and Workman et al. at Col. 3, Lines 32, 33). The use of a gaseous form of a cryogenic substance is different than a liquid form, and the brake

rotors of the claimed invention are exposed to gaseous nitrogen rather than liquid nitrogen to prevent thermal shock. Both of the cited references disclose liquid nitrogen, not gaseous nitrogen, and thus amended Claim 25 cannot be obvious. Accordingly, Applicant respectfully requests that the outstanding claim rejections be withdrawn.

Claims 26-29 depend from Claim 25 and distinguish over the prior art for at least the reasons stated above in connection with Claim 25. Therefore, Applicant respectfully requests that these claim rejections also be withdrawn.

Claim 30 has been cancelled without prejudice.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7524.

Respectfully submitted,

Dated: 21 NOV 05

By: Kelly K. Burris
Kelly K. Burris, Reg. No. 46,361

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, MO 63105
(314) 726-7500
KKB/lDs